



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 6, 2024  
MEMORANDUM

**BY ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

The Application is granted.

SO ORDERED:

*Paul G. Gardephe*  
Paul G. Gardephe, U.S.D.J.

Dated: *June 10, 2024*

Re: *United States v. Claudius English, 18 Cr. 492 (PGG)*

Dear Judge Gardephe,

The Government respectfully submits this letter to request a four-week adjournment of the due date for the Government's response to the defendant's amended petition to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

Approximately one week ago, on or about May 29, 2024, the defendant's *pro se* memorandum of law was made available on the public docket, which set forth nine separate claims of ineffective assistance of counsel.<sup>1</sup> Because the defendant's petition is primarily based on claims of constitutionally ineffective assistance of counsel, the Government requested and the Court ordered that the defendant waive attorney-client privilege so that his prior trial counsel can submit an affidavit to assist in the Court's consideration of the defendant's petition. The Government has been in contact with the defendant's prior trial counsel regarding when prior trial counsel will be able to submit their affidavit in response to the defendant's memorandum of law. However, due to their trial schedule—they have a trial scheduled to start on June 10, 2024, which is expected to last approximately two weeks—prior trial counsel has informed the Government that they will not be able to prepare an affidavit until after the conclusion of their upcoming trial.

Accordingly, the Government is requesting a four-week adjournment of the due date of the Government's opposition to the defendant's Section 2255 petition such that prior trial counsel may

<sup>1</sup> On or about February 27, 2024, the defendant filed a Section 2255 petition, in which the defendant set forth four different grounds for relief. Less than a week later, on March 1, 2024, the defendant submitted an amended Section 2255 petition, which set forth ten separate grounds for relief. At the same time, the defendant requested an extension of time to file a memorandum of law, which the Court granted, entering the following scheduling order: the defendant must file his memorandum of law by May 10; the Government must file its response by June 10; and any reply must be filed by July 12, 2024. However, the defendant's memorandum of law was received by the Court's *pro se* office on May 22, 2024, and it was entered on the public docket about a week later, on May 29, 2024.

have an opportunity to submit an affidavit relevant to the Court's consideration of the defendant's petition, and for the Government to incorporate any such affidavit into its opposition.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/  
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